



KY STATE MANAGEMENT PLAN

SECTION 5311

Formula Grants for Rural Areas

SECTION 5310

Enhanced Mobility of Seniors and Individuals with Disabilities

SECTION 5339

Buses and Bus Facilities Grants Program

FINAL

MAP-21 FAST ACT

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Kentucky Transportation Cabinet (KYTC)
OFFICE OF TRANSPORTATION DELIVERY (OTD)

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DRAFT November 2016

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INTRODUCTION

The Kentucky State Management Plan (SMP)* is a document that describes the Kentucky Transportation Cabinet, Office of Transportation Delivery's (OTD) policies and procedures for administering the State-managed portions of the Federal Transit Administration's (FTA) §5309 §5310, §5311, §5311(b)(3), §5311(f), §5305 -§5307 and §5339 programs, where applicable. State requirements in the SMP may be more restrictive, but not less restrictive, than Federal requirements. If any portion, or requirements, of the SMP, inadvertently, appears to be less restrictive than Federal requirements or regulations, Federal Transit Administration rules still apply. Even when not stated, "as amended" in the SMP when referring to Federal Transit Administration Circulars, Federal regulations or law, or Federal guidance, the most recent version of the document will apply.

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Stakeholders may, in writing, comment on the proposed SMP, as well as any given time on the Final FTA approved SMP. However, once FTA approves the SMP, hard copies of the final document will be distributed to transit agencies and at any other stakeholder's request. The approved SMP shall, also, be posted as Final on the Kentucky Public Transit Association ("KPTA") website www.kypublictransit.org as well as the Kentucky Transportation Cabinet, Office of Transportation Delivery website. <http://transportation.ky.gov/Transportation-Delivery/Pages/default.aspx>

The address for Office of Transportation Delivery:

Kentucky Transportation Cabinet

200 Mero Street

Frankfort, KY 40622

~~The SMP is submitted to FTA for approval in an electronic format.~~

*The SMP is submitted to FTA for approval in an electronic format.

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Chapter I: General Transit Program Information

Roles and Responsibilities

Federal Transit Administration (FTA)

The FTA Headquarters Office is responsible for: providing overall policy and program guidance; apportioning funds annually to the states; developing and implementing financial management procedures; initiating and managing program support activities; and conducting national program review and evaluation.

Federal Transit Administration Regional Office

The FTA Regional offices have the day-to-day responsibility for administration of the program. Regional office activities include: reviewing and approving state grant applications; obligating funds; managing grants; overseeing the state's implementation of the annual program, including revisions to the program of projects; receiving state certifications; reviewing and approving State Management Plans; providing technical assistance and advice to the states as needed; and performing state management reviews every three years, or as circumstances warrant. The KYTC/OTD falls under the FTA Region IV office located in Atlanta, Georgia. The northern, Kentucky and Henderson urbanized areas fall under the FTA Region V, Chicago, IL office. The Huntington-Ashland-Ironton Urbanized Area falls under the FTA Region III in Philadelphia.

Kentucky Transportation Cabinet/Office of Transportation Delivery (KYTC/OTD)

The Governor, pursuant to the provisions of 49 USC 5310, 5311, 5307, ~~and 5309, and~~ 5339, has designated KYTC/OTD as administrator and recipient of these funds. KYTC/OTD has the legal authority to enter into contractual agreement with private and public entities for capital, administrative, operations, and technical assistance projects on behalf of the State.

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In regards to administering federal transit grants, KYTC/OTD has the primary responsibility for the following:

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- Developing and implementing public transportation programs throughout the state;
- Ensuring adherence to federal program guidelines by all subrecipients through periodic monitoring and oversight;
- Notifying eligible and/or potential local entities of the availability of programs;
- Developing project selection criteria;
- Soliciting applications;
- Ensuring fair and equitable distribution of program funds;
- Ensuring the maximum feasible coordination of transit resources at both the state and local levels; and
- Ensuring a process whereby private transit and paratransit operators are provided an opportunity to participate to the maximum extent feasible.

The Office of Transportation Delivery administers FTA programs in the State. The USDOT/Federal Transit Administration Programs listed below are authorized under Chapter 53 of title 49 U.S.C., as amended by the ~~Moving Ahead for Progress in the 21st Century~~ Fixing America's Surface Transportation Act (~~MAP-21~~FAST Act). This document outlines the policies and procedures for management of the §5311 (Rural Area), §5310 (Enhanced Mobility of Seniors and Individuals with Disabilities, ~~and the~~ §5311(b) (3) (Rural Transit Assistance Program), ~~and~~ §5339 (Bus and Bus Facilities Grants Program), ~~§5316 (Job Access and Reverse Commute Program) and §5317 (New Freedom Initiative) expired under MAP-21.~~ Current ongoing grants will continue until all needed funds are expended. ~~Former §5316 (Job Access and Reverse Commute Program)~~ activities are ~~now~~ eligible under the Urbanized Area Formula Program (5307) and the Rural Area Formula Program (5311). Capital and Operating activities eligible under the

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former §5317 (New Freedom Initiative) program are ~~new~~ eligible under the Enhanced Mobility of Seniors and Individuals with Disabilities Program (5310).

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Area Development Districts (ADDs)

Rural communities that are not a part of the urbanized areas of Metropolitan Planning Organizations (MPOs) are included in Area Development Districts (ADDs). ADDs provide a planning process, reviewed periodically by KYTC, to ensure that federal and state regulations and guidelines for transportation planning in rural areas are met. Among their many duties, each ADD is responsible for providing a public forum and serving as an advisory board to review funding applications from local agencies within their region and prioritizing projects for KYTC review and concurrence. Projects approved by KYTC/OTD are included in the State Transportation Improvement Plan (STIP) for submission to the appropriate federal agencies. The contact information for all the ADDs in Kentucky is as follows:

<http://www.kycadd.org/>

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Metropolitan Planning Organizations (MPOs)

A Metropolitan Planning Organization (MPO) is a transportation policy-making organization made up of representatives from local government and transportation authorities. MPOs were created in order to ensure that existing and future expenditures for transportation projects and programs were based on a comprehensive, cooperative, and continuing planning process.

The role of the MPO includes: establishing a local forum for transportation decision making; evaluating transportation alternatives; developing and updating a long-range transportation plan; developing a Transportation Improvement Program (TIP); and getting the public involved.

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The KYTC works in cooperation with these local groups in developing their TIPs.

In accordance with federal regulations, the MPOs establish their project priorities, and KYTC includes those in the statewide program. Individual TIPS are available for each Metropolitan Planning Organization.

~~Individual TIPS are available for each Metropolitan Planning Organization.~~

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There are nine Metropolitan Planning Organizations (MPOs) in Kentucky. The following link provides the contact information for each MPO:

<http://transportation.ky.gov/Planning/Documents/Kentucky's%20MPOs.pdf>

Planning and Long Term Goals

Each sub-recipient shall submit a grant application each year (due April 1) to KYTC/OTD.

~~It must-and~~ include two-year budgets for operations/planning, ~~and~~ three-year capital budgets, and any long term public transit goals. Each grant application shall include local elected official support documentation. The sub-recipient shall, also, include, in their grant application, other projects in their operating area that local officials support and/or finance.

Statewide Transportation Improvement Program (STIP)

The KYTC developed and maintains a Statewide Transportation Improvement Program (STIP) for all areas of the State. The STIP includes a priority list of transportation projects including those completed in the first 3 years of the STIP¹. A list of rural transit projects is part of the STIP by reference. In addition, the projects included in the STIP must be consistent with

¹ Commonwealth of Kentucky State Transportation Improvement Plan can be found at <http://transportation.ky.gov/Program-Management/Pages/2015-Draft-STIP-Book.aspx>. ⁴ Commonwealth of Kentucky State Transportation Improvement Plan can be found at <http://transportation.ky.gov/Program-Management/Pages/2015-Draft-STIP-Book.aspx>.

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the Statewide Transportation Plan; be financially constrained; contain all capital and non-capital transportation projects; and, in non-attainment areas, conform to federal and state regulations.

The KYTC must notify the Metropolitan Planning Organization (MPO), local jurisdictions, Federal land agencies, and, if applicable, Indian tribal governments when projects under their jurisdiction are included in the STIP. The MPO prepares a Transportation Improvement Program (TIP) and incorporates it into the STIP after approval by the MPO and the Governor or his designee. The Federal Highway Administration (FHWA) and the FTA review the STIP for consistency with the federal regulations and, if acceptable, jointly approve.

The STIP governs nine Kentucky MPOs:

- Ashland/KYOVA
- Henderson/Evansville
- Oak Grove/Clarksville
- Lexington
- Louisville
- Northern KY
- Owensboro
- Bowling Green
- Radcliff/Elizabethtown

Chapter 2: Overview of Transit Programs

Section 5307 - Urbanized Area Formula Grants

This ~~P~~program makes Federal resources available to urbanized areas and to Governors for transit capital and operating assistance in urbanized areas and for transportation related planning. An urbanized area is an incorporated area with a population of 50,000 or more that is designated as such by the U.S. Department of Commerce, U.S. Census Bureau ~~of the Census~~.

Eligible purposes include planning, engineering design and evaluation of transit projects and other technical transportation-related studies; capital investments in bus and bus-related activities such as replacement of buses, overhaul of buses, rebuilding of buses, crime prevention and security equipment and construction of maintenance and passenger facilities; and capital

investments in new and existing fixed guideway systems including rolling stock, overhaul and rebuilding of vehicles, track, signals, communications, and computer hardware and software. All preventive maintenance, and some Americans with Disabilities Act complementary paratransit service costs, are considered capital costs.

For urbanized areas, with a population of 200,000 and over, funds are apportioned and flow directly to a designated recipient that is selected, locally, to apply for and receive Federal funds. For urbanized areas, under 200,000 in population, the funds are apportioned to the Governor of each state for distribution. Kentucky agencies have the option, for-of §5307 grants for areas with a population between 50,000-199,999, that may to apply directly to FTA or via the KYTC/OTD, upon mutual agreement and approval by FTA.

Section 5309 - Capital Investment Program

The Federal Transit Administration (FTA) Capital Investment Program funds provide capital assistance for three primary activities: new fixed guideway systems (New Starts program and Small Starts), new and replacement buses and facilities (Bus and Bus Related Facilities program), and modernization of existing rail system (Fixed Guideway Modernization program). bus and bus-related facilities, establishment of new rail-transit projects, and improvement and maintenance of existing rail-transit and other fixed guideway systems.

Bus/Bus Facilities includes bus purchases and improvements to bus facilities. The New Starts

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program provides funds for construction of new fixed guideway systems or extensions to existing fixed guideway system. The Small Starts program provides funds to capital projects that either meet the definition of a fixed guideway for at least 50% of the project length in the peak period or are corridor-based bus projects with 10 minute peak/15 minute off-peak headways or better while operating at least 14 hours per weekday. Core Capacity projects may include acquisition of real property, acquisition of rights-of-way, double tracking, signalization improvements, electrification, expanding system platforms, acquisition of rolling stock associated with corridor improvements increasing capacity, and construction of infill stations.

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Funds are allocated to recipients through a Congressional earmark or may originate from FTA and be nationally competitive.

The FTA administers the §5309 program. It is a discretionary grant program that requires, by law, that projects seeking funding complete a series of steps over several years to be eligible for funding. For New Starts and Core Capacity projects, the law requires completion of two phases in advance of receipt of a construction grant agreement – Project Development and Engineering. For Small Starts projects, the law requires completion of one phase in advance of receipt of a construction grant agreement – Project Development. The law also requires projects to be rated by FTA at various points in the process according to statutory criteria evaluating project justification and local financial commitment. Funds are allocated to recipients through a Congressional earmark or may originate from FTA and be nationally competitive. Applicants for Bus and Bus Facilities funding request appropriation earmarks from their Congressional representatives. If projects receive funding earmarks through legislative appropriation in the federal transportation funding bill, recipients are eligible to submit applications for §5309 funds to FTA/KYTC/OTD. FTA requires an 80/20 Federal/Local match for this program.

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KYTC/OTD has historically utilized §5309 funds for a local vehicle replacement program for those vehicles that have reached or exceeded useful life and/or to enhance or construct transit facilities/infrastructure. At the discretion of the Cabinet/KYTC, Toll Credits may be allowed for the local share.

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~~Under MAP 21, Section 5309~~ **FIXED GUIDEWAY CAPITAL INVESTMENT GRANTS ("NEW STARTS")**

~~Section 5309~~ **Purpose**

Provides grants for new and expanded rail, bus rapid transit, and ferry systems that reflect local priorities to improve transportation options in key corridors. This program defines a new category of eligible projects, known as core capacity projects, which expand capacity by at least

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10% in existing fixed-guideway transit corridors that are already at or above capacity today, or are expected to be at or above capacity within five years. The program also includes provisions for streamlining aspects of the New Starts process to increase efficiency and reduce the time required to meet critical milestones.

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Statutory Reference

49 U.S.C. §5309

Statutory References

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49 U.S.C. Section 5309 / MAP-21 Section 20008

USDOT/FTA Reference

Final Interim Policy Guidance; Federal Transit Administration;

Capital Investment Grant Program; June 2016

https://www.transit.dot.gov/sites/fta.dot.gov/files/docs/FAST_Updated_Interim_Policy_Guidance_June%20_2016.pdf

Eligible Recipients

State and local government agencies, including transit agencies.

Section 5310 – Enhanced Mobility of Seniors &and Individuals with Disabilities Program

Section 5310 Purpose

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This program is intended to ~~enhance~~improve mobility for seniors and persons with disabilities by providing funds for ~~programs~~private nonprofit groups to serve the ~~transportation~~special needs of ~~transit-dependent older adults and people with disabilities when transportation is unavailable~~

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~~or insufficient in meeting their needs.~~ populations beyond traditional public transportation services and Americans with Disabilities Act (ADA) complementary paratransit services.

Statutory References: 49 U.S.C. Section 5310 / FAST Act Section 3006 / Circular: C9070.1G

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Statutory References

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~~49 U.S.C. Section 5310 / MAP-21 Section 20009 Circular: C9070.1G~~

Eligible Recipients

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- Direct Recipients: States (for all areas under 200,000 in population) and designated recipients.
- Subrecipients: states or local government authorities, private non-profit organizations, or operators of public transportation ~~that receive a grant indirectly through a recipient.~~

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Eligible Activities

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- At least 55% of program funds must be used on capital projects that are:
- ~~P~~ public transportation projects planned, designed, and carried out to meet the ~~special~~ needs of seniors and individuals with disabilities when public transportation is insufficient, inappropriate, or unavailable.
- The remaining 45% may be used for ~~F~~:
- ~~P~~ public transportation projects that exceed the requirements of the Americans with Disabilities Act (ADA);
- ~~Public transportation projects that~~ improve access to fixed-route service and decrease reliance by individuals with disabilities on complementary paratransit; ~~or provide;~~
- ~~A~~ alternatives to public transportation that assist seniors and individuals with disabilities.

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What's New?

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- ~~Consolidates New Freedom Program and Elderly and Disabled Program.~~

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Section 3006(b) of the FAST Act created a discretionary pilot program for innovative coordinated access and mobility -- open to 5310 recipients -- to assist in financing innovative projects for the transportation disadvantaged that improve the coordination of transportation services and non-emergency medical transportation (NEMT) services; such as: the deployment of coordination technology, projects that create or increase access to community, One-Call/One-Click Centers, etc.

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Operating assistance is now available under this program.

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Funding

- Funds are apportioned for urbanized and rural areas based on the number of seniorsolder adults and individuals with disabilities.

- Federal share for capital projects (including acquisition of public transportation services) is 80%. ~~Formula Grants for the Enhanced Mobility of Seniors and Individuals with~~

Disabilities

Funding (cont.)

- Federal share for operating assistance is 50%.

Adopts New Freedom funding allocations:

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- 60% to designated recipients in urbanized areas with a population over 200,000.

- 20% to states for small urbanized areas.

- 20% to states for rural areas.

Ongoing Provisions

- Local share may be derived from other federal (non-DOT) transportation sources or the Federal Lands Highways Program under 23 U.S.C. 204 (as in former Section 5310 program).

- Permits ~~D~~esignated ~~r~~ecipients and ~~s~~tates to carry out ~~a~~ competitive process to select subrecipients.

- Recipients must certify that projects selected are included in a locally developed, ~~e~~Coordinated ~~p~~ublic ~~t~~ransit-~~h~~uman ~~s~~ervices ~~t~~ransportation ~~p~~lan. The ~~p~~lan must undergo a

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development and approval process that includes seniors and ~~people~~individuals with disabilities, transportation providers, ~~among~~and others, and is coordinated to the maximum extent possible with transportation services assisted by other federal departments and agencies.

- Permits acquisition of public transportation services as a capital expense.
- Up to 10% of program funds can be used to administer the program, to plan, and to provide technical assistance. It may be funded at 100% federal share.

The §5310 program assists private or designated public nonprofit agencies in meeting the transportation needs of older adults and ~~e~~individuals with disabilities. The Office of Transportation Delivery, through the Section 5310 program, provides funds to private nonprofit entities, public bodies approved by the state to coordinate transportation services for older adults and ~~people~~individuals with disabilities, or public bodies which certify to the Governor that no private nonprofit entity or association is readily available in an area to provide the service.

Federal financial assistance under the Section 5310 program is limited to participation in the cost of capital equipment, cost for purchase of transportation service contract(s), mobility management, and state-level administrative costs to administer the program. Because of the large statewide demand, the current policy of the Cabinet is to fund replacement vehicles, not expansion vehicles, unless in an extreme and documented case whereby an expansion of services is needed and greatly benefits the local community and the Commonwealth.

The goal of the Section 5310 program is to improve mobility for older adults and people with disabilities throughout the state and to enhance coordination of federally assisted programs and services in order to encourage the most efficient use of federal resources and achieve the national goal of improved mobility of elderly persons and ~~persons~~individuals with disabilities.

In Kentucky, both private and public nonprofit agencies are encouraged to coordinate transportation services with agencies that provide transportation services to the public.

KYTC/OTD is the ~~D~~esignated ~~R~~ecipient for small urban and rural areas of the State. The State

may also be a ~~D~~esignated ~~R~~ecipient for an urbanized area. A fully Coordinated Plan is required.

Any applicant wishing to apply for a §5310 grant must follow the directions as detailed in Appendix C.2

COORDINATION REQUIREMENTS. Title 49 U.S.C. 5310, as amended by ~~MAP-21~~the FAST Act, requires a recipient of Section 5310 funds to certify that projects selected for funding under this program are included in a locally developed, coordinated public transit-human service transportation plan and that the plan was developed and approved through a process that included participation by seniors; individuals with disabilities; representatives of public, private, nonprofit transportation and human service providers; and other members of the public. FTA strongly encourages coordination and consistency between the local coordinated public transit-human service transportation plan and metropolitan or statewide transportation planning processes, as described in 23 CFR part 450 and 49 CFR part 613.

Section 5311 – Formula Grants for Rural Areas

~~Section 5311-Formula Grants for Rural Areas~~

The §5311 funds can be used for the costs of transit planning activities, transit operations and purchase of capital equipment or facilities to aid in provision of transit services in rural areas, as well as provide funds for state-level administration. Federal regulation requires that 15% percent of these funds be reserved each year to support an Intercity Bus Program, unless the Governor of a state certifies that intercity bus needs in the state are being met.

Through the Section 5311 Program, the Office of Transportation Delivery (OTD) provides administrative, operating and capital assistance to public transportation projects in nonurbanized (rural) areas. The program goals are:

² FTA Circular 9070. 1G, June 6, 2014
http://www.fta.dot.gov/legislation_law/12349_16011.html